A BILL

To prohibit racial and religious discrimination in interstate commerce and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Interstate Public Facilities Act of 1963."

Sec. 2. Findings and Policy

(a) Findings

(1) The American people have become increasingly mobile during the last generation, and millions of American citizens travel each year from State to State by rail, air, bus, automobile, and other means. A substantial number of such travelers are members of minority racial and religious groups. These citizens, particularly Negroes, are subjected in many places to discrimination and segregation, and they are frequently unable to obtain the goods and services available to other interstate travelers.

(2) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate lodging accommodations during their travels, with the result that they may be compelled

to stay at hotels or motels of poor and inferior quality, travel great distances from their normal routes to find adequate accommodations, or make detailed arrangements for lodging far in advance of scheduled interstate travel.

(3) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate food service at convenient places along their routes, with the result that many are dissuaded from traveling interstate, while others must travel considerable distances from their intended routes in order to obtain adequate food service.

(4) Goods, services and persons in the amusement and entertainment industries commonly move in interstate commerce, and the entire American people benefit from the increased cultural and recreational opportunities afforded thereby. Practices of audience discrimination and segregation artifically restrict the number of persons to whom the interstate amusement and entertainment industries may offer their goods and services. The burdens imposed on interstate commerce by such practices and the obstructions to the free flow of commerce which result therefrom are serious and substantial.

(5) Retail establishments in all States of the Union purchase a wide variety and a large volume of goods from business concerns located in other States and in foreign nations. Discriminatory practices in such establishments, which in some instances have led to the withholding of patronage by those affected by such practices, inhibit and restrict the normal distribution of goods in the interstate market. In this regard, the impact of discrimination in the large establishments included under this Act is especially pronounced.

(6) Fraternal, religious, scientific and other organizations engaged in interstate operations are frequently dissuaded from holding conventions in cities which they would otherwise select because the public facilities in such cities are either not open at all to members of racial or religious minority groups or are available only on a segregated basis.

(7) Business organizations which seek to avoid subjecting their employees to discrimination based on race, creed, color, or national origin in restaurants, retail stores, and places of amusement, and to avoid the strife resulting from such discrimination, are restricted in the choice of location for their offices and plants. Such restrictions prevent

the most effective allocation of national resources, including the interstate movement of industries, particularly in some of the areas of the nation most in need of industrial and commercial expansion and development.

(8) The aforementioned burdens on commerce and obstructions to commerce can best be removed by prohibiting racial and religious discrimination in certain public establishments.

(b) Policy

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce by prohibiting discrimination on account of race, color, religion, or national origin in certain public establishments. It is further declared to be the policy of the United States to require businesses serving the public in interstate commerce to render such service without regard to race, color, religion, or national origin.

Sec. 3. Right to non-discrimination in interstate commerce

(a) All persons shall be entitled, without discrimination or segregation on account of race, color, religion, or national origin, to the full and equal enjoyment of the services, facilities, privileges, advantages, and accommodations of the following public establishments:

(1) any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce, unless (i) it is owned by a natural person and occupied by him, and (ii) five rooms or less are held out for rent or hire;

(2) any motion picture house, theatre, sports arena, stadium, exhibition hall, or other public place of amusement or entertainment which customarily presents motion pictures, performing groups, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce;

(3) any retail shop, department store, market, drug store, or other public place which keeps goods for sale, which sells or obtains goods, directly or indirectly, in interstate commerce, and which has an annual volume of sales or a projected annual volume of sales of more than $150,000; and

(4) any restaurant, lunch room, lunch counter, soda fountain, or other public place engaged in selling food for consumption on the premises, which

(i) is an integral part of an establishment included under (1), (2), or (3) above, or

(ii) is located on an interstate highway as described in sections 103(b) or (d) of Title 23, United States Code, or customarily serves travelers on such highway, except an establishment which is owned by a natural person and has a seating capacity of not more than twenty persons.

For the purpose of this subsection, the term "integral part" means physically located on the premises occupied by an establishment, or located contiguous to such premises and owned, operated, or controlled, directly or indirectly, by or for the

benefit of, or leased from the persons or business entities which own, operate, or control an establishment.

(c) The provisions of this Act shall not apply to a non-profit institution or to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such institution or establishment are made available to the customers or patrons of an establishment included in subsection (b).

Sec. 4. Prohibition on denial of and interference with the right to non-discrimination

No person, whether acting under color of law or otherwise, shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 2, or (b) interfere or attempt to interfere with any right or privilege secured by section 2, or (c) intimidate, threaten, or coerce any person with a purpose of interfering with any right or privilege secured by section 2, or (d) punish or attempt to punish any person for

exercising or attempting to exercise any right or privilege secured by section 3, or (c) incite or aid or abet any person to do any of the foregoing.

Sec. 5. Civil action for preventive relief

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 4, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he is satisfied that an establishment is not in compliance with this Act and that the purposes of the Act will be materially furthered by the filing of an action.

Sec. 6. Jurisdiction

(a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this Act and shall exercise the same without regard to whether the aggrieved party

shall have exhausted any administrative or other remedies that may be provided by law.

(b) This Act shall not preclude any individual or any State or local agency from pursuing any remedy that may be available under any federal or State law, including any State statute or ordinance requiring non-discrimination in public establishments or accommodations.

Sec. 7. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

ROUGH DRAFT
5/23/63

PRESIDENTIAL MESSAGE

On February 28, 1963, I sent to the Congress a message dealing with the problems facing this Nation in the field of race relations and civil rights. At that time I recommended the enactment of legislation to protect voting rights, to extend the life of the Commission on Civil Rights, and to provide technical and financial assistance to school boards carrying out desegregation plans.

Legislation to protect voting rights and to extend the life of the Commission on Civil Rights has already been introduced in the Congress. Today, I am submitting a measure to effectuate my recommendation for technical and financial assistance to school boards engaged in the desegregation process. This bill is supplemented by a provision for additional action to accelerate school desegregation. I am, in addition, transmitting a measure which will go far to eliminate one of the most serious aspects of discrimination in

this country -- the denial to Negroes of the use of public accommodations, such as hotels, restaurants, theatres and recreational facilities.

INTERSTATE PUBLIC FACILITIES

Events of recent weeks have again underlined the intensity with which millions of our Negro citizens resent the injustice of arbitrary denials of facilities and accommodations open to the general public. The Negro citizens of Birmingham and of other American cities have been demonstrating to protest such discriminatory treatment and the denial of what surely are the basic rights of a citizen in a free country. It is not right that an American citizen should feel compelled to demonstrate in the streets for the opportunity to eat at a lunch counter or enter a motion picture house. As I stated in my message of February 28, "no action is more contrary to the spirit of our democracy and Constitution -- or more rightfully resented by a Negro citizen who seeks only equal treatment -- than the barring of that citizen from restaurants, hotels, theatres, recreational areas and other public

accommodations and facilities."

The United States has taken action through the courts and other means to protect those who are peacefully demonstrating to attain access to these public facilities. But our concern can no longer be restricted to the protection of those who demonstrate and to the prevention of the dangers inherent in demonstrations. We must secure the right of all our citizens to the full enjoyment of facilities which are open to the general public.

Chief Justice Taney observed over 100 years ago that our Constitution was designed "to secure the freest intercourse between the citizens of the different States . . . . For all the great purposes for which the Federal government was formed, we are one people, with one common country. We are all citizens of the United States; and, as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States." These words are of particular relevance today. In recent years our society has achieved an unprecedented mobility. Throughout our country, hotels, restaurants, theatres, stores, and other

places of public accommodation serve not only the members of their immediate communities but travelers from other states as well as visitors from abroad. As our economy has become more interdependent and interrelated, business establishments serving the public have increasingly prospered. With this prosperity has come a growing responsibility to assure that all of our citizens have equal access to the accommodations that are available. Until recently there was hope that this responsibility would be adequately met by local governments and local community leaders. In 1947 President Truman's Committee on Civil Rights recommended the enactment by the states of laws guaranteeing equal access to places of public accommodation. A number of states and cities responded by enacting equal accommodations laws or ordinances. But elsewhere state and local leadership has abdicated its responsibility and thus thwarted full realization of the national interest in equality of treatment and the free flow of commerce.

The burden imposed on interstate commerce is two fold. In many areas, Negro interstate travelers are

unable today to obtain adequate lodging or food service during their travels. The result is that they may be compelled to stay at hotels or motels of poor and inferior quality, or travel great distances from their normal routes to find suitable accommodations, or forego altogether the opportunity to travel. The deprivation suffered by the individuals affected and the obvious burden on commerce resulting from such unjust discrimination is intolerable in this land of "one people, with one common country."

But it is not only the person who travels who is subjected to discriminatory treatment by reason of his race. Negroes in their own communities are often denied equal access to the goods and services offered by establishments purporting to serve the public at large. The discriminatory practices of establishments which secure their merchandise through interstate commerce, inhibit and restrict the normal distribution of goods in the national market. A less obvious but no less serious effect of such practices is to stunt the economic growth of the community. Business organizations which choose to

protect their employees who are members of minority groups from discrimination in public places, and wish to avoid the strife which is engendered by such discrimination, are deterred from locating their plants and offices in the areas which efficiency otherwise would dictate. The result is that development of the national economy suffers, particularly in some of the very areas which are most in need of industrial and commercial expansion and development.

When the effects of discrimination pervade the economy of the entire Nation, that discrimination ceases to be a matter of purely local or individual concern, and demands the attention of the Federal Government. It has the power to eliminate these abuses; it should do so. For this reason I am today proposing a statute which would guarantee equal access to certain public facilities for all our citizens regardless of race, color, creed, or national origin, wherever interstate commerce is significantly affected.

My proposal would recognize the right of all citizens to equal access to the services and facilities of hotels, restaurants, places of amusement, and retail

establishments where the practice of discrimination affects our national commerce. It would, however, specifically exempt establishments the size or character of which appears to indicate that their business would not have a significant impact on such commerce. The proposal would give either the person aggrieved or the Attorney General the right to obtain a court order against the offending establishment.

I urge the Congress to act speedily upon this proposal. I am confident that the enactment of this legislation will signal an end to practices which are inconsistent with our ideals. The alternative is continued strife. No American, I feel sure, would choose that course, and no government could accept it.

DESEGREGATION OF SCHOOLS

In my message of February 28, I said that there has been some progress at all levels toward achieving desegregation of education as required by the Constitution, and pointed out a number of forward steps. But I was compelled to point out also that progress toward primary and secondary school desegregation has been much too slow. As a means of hastening school desegregation, I recommended that the Office of Education be authorized to carry out a program of technical and financial assistance to aid school districts which are moving toward that goal. I still believe that a program of that kind will be extremely useful. I have come to the conclusion, however, that it must be supplemented with additional federal action to accelerate the process of desegregation.

In 1954 the Supreme Court held segregated school systems to be unconstitutional and it directed that desegregation be undertaken with all deliberate speed. Nevertheless, in some parts of our country only token desegregation of elementary and secondary public schools has occurred; in others there has not been even token

desegregation. At the present rate it is likely that large numbers of Negro children born after 1954 will complete their entire education in unconstitutionally segregated schools.

The inequities and hardships which discrimination in education inflicts on Negro children in segregated communities are not ameliorated by the ending of discrimination elsewhere. The continuing denial of equal educational opportunity to a child inevitably deprives him of an equal chance to make his way as an adult. And the continuing denial of that opportunity to thousands upon thousands of the nation's children inflicts loss on the nation as well. Once the opportunity to utilize talent and develop needed skills is lost it can never be regained.

These facts have brought me to the view that the Federal Government must assume a greater measure of direct responsibility for the desegregation of education than I had hoped would be necessary. I still believe that it would have been better if full responsibility had been assumed and carried out by the community leaders in the areas where segregation in education persists.

But, unfortunately, in too many cases the energies of these leaders have been directed toward its perpetuation. The federal action they profess to abhor is made necessary by their own neglect.

I transmit herewith a draft "Equal Educational Opportunity Act of 1963." The proposed act would provide not only for a program of technical and financial assistance but, in addition, would require prompt action by local school boards to initiate desegregation and would empower the Commissioner of Education to formulate plans of desegregation where local boards fail to do so.

Under this legislation, the Commissioner would investigate and report within one year on the extent to which equal educational opportunities are still being denied throughout the country. He also would provide technical assistance to school boards in preparing and carrying out desegregation plans and make grants and loans for such purposes where appropriate. All school boards which have failed to achieve the desegregation of the schools within their jurisdictions would be required to adopt and file with the Commissioner a satisfactory plan of desegregation. If a school board failed

to submit a plan or submitted an unsatisfactory plan, the Commissioner, after consulting with the board and others in the community, would formulate a plan. The Attorney General would thereupon be authorized to institute an action in a federal district court to compel desegregation of the schools within the board's jurisdiction and would submit the Commissioner's plan to the court for action.

I hope that local school boards will take advantage of the technical and financial assistance which the Commissioner of Education will make available and, with his cooperation, work out satisfactory desegregation plans. If this is accomplished, desegregation will proceed far more rapidly than it has in the past, and our courts will be relieved of a great part of the burden that has been imposed upon them. Moreover, desegregation will be treated as a community problem that can be solved without the adversary atmosphere engendered by litigation. Even where litigation ultimately becomes unavoidable, the courts will be greatly aided by the deliberation which has preceded it.

In recent years we have taken important strides to free ourselves and our children of the legacy of discrimination and segregation which has been handed down to us by past generations. We still have far to go. The problems will not be solved by clinging to the patterns of the past. Nor will they be solved in the streets. The bills I have proposed will, I think, go far toward providing reasonable and prompt solutions and thus will contribute to the elimination of strife which this Nation can ill afford.

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

ASSISTANT ATTORNEY GENERAL

MISCELLANEOUS CORRESPONDENCE

To The Attorney General

[6
Typed 7/21/61
JD:lvw
144-40-180 5609
144-40-188 6048

July 21, 1961

111

Mr. John Doar
First Assistant
Civil Rights Division
Department of Justice
Washington, D. C.

Dear Mr. Doar:

As an attorney and counselor at law you are hereby specially retained and appointed as Special Attorney, under the authority of the Department of Justice, and in that connection you are specifically directed to file informations and to conduct in the Northern District of Mississippi any kind of legal proceeding, civil or criminal, including grand jury proceedings, before committing magistrates which district attorneys are authorized by law to conduct with specific reference to alleged violations by Benjamin Patrick Williams of Section 242 of Title 18 of the United States Code; by Edward H. Williams, Emmett F. Hale, Jr. and John Craig of Section 242 of Title 18 of the United States Code; and by Edward H. Williams and Howard Engh of Section 242 of Title 18 of the United States Code..

You are to serve without compensation other than the compensation you are now receiving under existing appointment.

Please execute the required oath of office and forward a duplicate thereof to the Civil Rights Division, Department of Justice.

cc: Chrono
Records
Holloran
Attorney General
Doar

Robert F. Kennedy
Attorney General

Assistant Attorney General
Burke Marshall

Fertig was arrested upon the complaint of Mrs. J. C. Thomas, an elderly white woman, on charges of assault and disturbing the peace. Mrs. Thomas allegedly found it necessary to ride with one leg on the seat. Fertig reportedly tried to take this seat on two occasions and, in so doing, he sat on her leg. Upon his arrest Fertig was confined in the Dallas County Jail in lieu of $1500 bond but subsequently obtained his release. We have been informed that Fertig told a representative of the Associated Press that while he was in jail the sheriff arranged to have him beaten. Fertig has not made this allegation to the FBI nor is he known to have made such an allegation to anyone other than the newspaperman. Sheriff Clark has stated that he saw Fertig at breakfast on June 3, 1961, at which time Fertig made no such complaint nor did he show any marks of a beating.

In accordance with the request of Mr. Murphy we will follow and report the results of Fertig's trial which is scheduled for August 3, 1961, but no further action will be taken at this time.

Ralph D. Fertig
1515 S. Kenwood Avenue
Chicago, 15, Illinois

26 July, 1961.

On June 2, 1961, I joined a group of Freedom Riders leaving Montgomery, Alabama for Jackson, Mississippi. Shortly after our departure from the Trailways Bus Depot, the bus filled up and I yielded my seat to an elderly woman. She was a Negro, and this fact created some stir on the bus by the other passengers. Later, when the bus stopped at Selma, Ala., some people got off and there was an empty seat next to a white woman, Mrs. Thomas, at the front of the bus. I asked if I could sit down next to her but she at first said she would be getting off, then after she occupied both seats, announced that she would stay. Before I could respond, and I never did sit next to her, the Sheriff who had been there to meet the bus placed me under arrest; I was later charged with assault and disturbing the peace, held pending $500. bond on each charge ($1,500. in all), with trial set for July 6. I was released on bond on June 3 into care of my attorneys, Fred Gray, Charles Conley, and Solomon Seay, Jr. all of Montgomery. After my return to Chicago and some hospitalization, the trial was delayed; it is now set for August 3, in the County Court (Dallas County), at Selma, Alabama. I would be grateful for the presence of any neutral party to help assure a minimum of bias in the trial itself and in helping to avoid incarceration of the witnesses who will testify in my behalf.

262-7679 Rev Abernathy

Ralph D. Fertig
4845 S. Kenwood Avenue
Chicago, 15, Illinois

Hon. Barratt O'Hara, M.C.
2nd Congressional District, Illinois
House Office Building
Washington, D. C.

Dear Barratt:

So very sorry to hear of Marie Crow's illness. Please pass on to her my deepest wishes for a quick convalescence.

I know how busy you are but feeling the anxieties of my trial, so near, I write you again to seek your help.

On Thursday, August 3, I will return to Selma, Alabama to face trial in the Dallas County court house. I am sure that ultimately my innocence will be affirmed, though it may take many appeals above the local Judge who must respond to the pressures of his small community.

I will take with me five witnesses who will testify in my behalf. I feel a special responsibility to these witnesses, that they not be victimized by mobs or by impetuous action from the bench; again, such action may be corrected on appeal, but these young persons ought not to undergo a beating such as I was submitted to, while awaiting bond.

When I was in jail, June2-3, I am told that the F.B.I. inquired about me to local law enforcement officials, and was assured that I was all right. Had they seen me, they would have learned of the beating to which I was submitted. My attorneys advised against filing a complaint at the time of my release, because they feared a vindictive reaction by the Judge. But I do not want to risk such circumstances again, if it can at all be avoided, especially for those who are giving their time to my assistance as witnesses.

Anything you can do to ask Justice Department presence at the trial, or to secure the presence of a neutral party to help assure an orderly process at the trial would be most helpful; we would be most grateful to you for any intervention which you would see fit to engage in.

I am enclosing a brief re-capitulation of the situation in which I was involved; copies of it and of this letter are being sent to the Attorney General's Civil Rights Division. Thank you.

Cordially,

Ralph

BARRATT O'HARA
2d District, Illinois
1408 House Office Building

MARIE CROWE
Administrative Assistant

Congress of the United States
House of Representatives
Washington, D. C.

COMMITTEE
FOREIGN AFFAIRS
CHAIRMAN:
Subcommittee on Africa
Member Subcommittees on
Inter-American Affairs
Foreign Economic Policy

sent to John O'Hara

August 1, 1961

The Honorable
John Seigenthaler
Attorney General's Office
Department of Justice
Washington 25, D. C.

Dear Mr. Siegenthaler:

After talking with you I telephoned Mr. Fertig. He is leaving for Alabama late this afternoon, and up to 3:45 p.m. can be reached at FInancial 6-8450 in Chicago. I think it would be reassuring to him if he received a telephone call from your office. Fertig is a fine young man of whom I am very fond. I would not want to see any further befall him or the witnesses he is taking with him from Chicago.

I am leaving the office now to attend the meeting of the Foreign Affairs Committee where we expect to vote out the clean bill on mutual security. Hence, I am requesting Mrs. Kjellson to sign this letter for me. My deep appreciation for anything that your office can do to assure the safety of my constituents.

Best always.

Cordially and sincerely,

Barratt O'Hara

Barratt O'Hara, M. C.
(per Mrs. Lillian Kjellson)

BOH:lk
Enclosures

(Dictated but not signed)

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. John Seigenthaler
Administrative Assistant
to the Attorney General

DATE: August 3, 1961

JD:lvw

FROM : John Doar
First Assistant
Civil Rights Division

SUBJECT: Ralph Fertig

I called Mrs. Kjellson, Congressman O'Hara's secretary, and explained to her that I tried to reach Mr. Fertig in Chicago. She gave me a number where he could be reached in Montgomery and I called him there. I explained to him that if he had any difficulties with the local authorities involving what he considered to be a deprivation of his constitutional rights that there was an FBI office in Selma where he could report the matter.

He was somewhat cynical about the fact that the Federal Government would not act before a deprivation took place. However, I explained to him what our authority was and he understood.

He claims to have been abused by the local police at Selma when he was going from Montgomery to Jackson, however, on the advice of his Montgomery attorneys he would not report this to the FBI. Their reasoning was that this would upset the judge before whom he would be required to appear.

I have observed his Montgomery attorneys in court and they appear to be reasonably competent.

August 9, 1961

The Honorable B. Euple Dozier
United States Attorney
Northern District of Mississippi
Oxford, Mississippi

Dear Miss Dozier:

Thank you for your letter of August 7, which I have forwarded to the Deputy Attorney General's office.

I also appreciated your concern with how hard I am working. I feel fine and work never hurt anyone.

I am looking forward to seeing you again.

Sincerely,

JOHN DOAR
First Assistant
Civil Rights Division

Form No. DJ-960
(Rev. 4-1961)

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO	NAME	BUILDING AND ROOM
1.	Mr. John Reilly	Room 4224
2.		
3.		
4.		
5.		

- ☐ SIGNATURE
- ☐ APPROVAL
- ☐ SEE ME
- ☐ RECOMMENDATION
- ☐ COMMENT
- ☐ NECESSARY ACTION
- ☐ NOTE AND RETURN
- ☐ CALL ME
- ☐ PER CONVERSATION
- ☐ AS REQUESTED
- ☐ NOTE AND FILE
- ☐ YOUR INFORMATION
- ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- ☐ PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS:

Attached is the letter from Miss Dozier about her application for the regular appointment of United States Attorney for the Northern District of Mississippi.

FROM NAME	BUILDING, ROOM, EXT.	DATE
John Doar	1145	8/9/61

July 22, 1961

Mr. John Doar
First Assistant
Civil Rights Division
Department of Justice
Washington, D. C.

Dear Mr. Doar:

As an attorney and counselor at law you are hereby specially retained and appointed as Special Attorney, under the authority of the Department of Justice, and in that connection you are specifically directed to file informations and to conduct in the Northern District of Mississippi any kind of legal proceeding, civil or criminal, including grand jury proceedings, before committing magistrates which district attorneys are authorized by law to conduct with specific reference to alleged violations by Benjamin Patrick Williams of Section 242 of Title 18 of the United States Code; by Edward M. Williams, Emmett F. Hale, Jr. and John Craig of Section 242 of Title 18 of the United States Code; and by Edward M. Williams and Howard Koph of Section 242 of Title 18 of the United States Code.

You are to serve without compensation other than the compensation you are now receiving under existing appointment.

Please execute the required oath of office and forward a duplicate thereof to the Civil Rights Division, Department of Justice.

Robert F. Kennedy
Attorney General

cc: Records
Chrono
Doar ✓

The Attorney General September 6, 1961

Burke Marshall
Assistant Attorney General
Civil Rights Division

School Desegregation in Little Rock, Arkansas and Dallas, Texas

I think you should call the following people:

In Little Rock, Mayor Warner Knoop. The City of Little Rock desegregated five junior high schools for the first time and continued school integration in the high schools. This was done without incident. The credit could not go to any particular persons or group. The Mayor is simply representative of the success of the City.

The President of the School Board in Little Rock is Everett Tucker. He had to be pushed into this and the most I would do as to him is to ask the Mayor to extend congratulations to him.

In Dallas, I would call Mayor Cabell Chief of Police Curry and Mr. C. A. Tatum.

The Mayor should be called as the representative of the entire city.

The Chief of Police in Dallas is a first-rate man who devoted his full energies to avoiding any incidents. He is as worthy of credit as Chief Jenkins in Atlanta. He has written and is publishing a volume on proposed handling of racial problems and the police.

C. A. Tatum is the President of Dallas Power and Light and was Chairman of the group in the Dallas Citizens Council which should have the greatest credit for the success in Dallas. He

has devoted his own energies to this matter for over a year and is largely responsible for the Dallas community education campaign and the production of the film called, Dallas at the Crossroads.

The Superintendent of Schools in Dallas is a Dr. White. I believe that he was pushed along by Mr. Tatum and others and I see no reason why he should be called.

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MEMORANDUM TO: Assistant Attorneys General

October 23, 1961

Again I would like to ask that you bring to my attention the names of employees in your Division who have been doing outstanding work.

Some Assistant Attorneys General have been doing this and I hope they will continue. Others I have not yet heard from.

Robert F. Kennedy

RFK/jss

November 28, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

In accordance with your memorandum of November 16, which is attached, I have discontinued the practice of sending you copies of all the intra-division memoranda. Instead, with your approval I intend to give you a short written report on Monday and Wednesday of each week. I do not think that any more frequent report is necessary in view of the fact that I will talk to you about any matters of more than routine interest in any event.

Burke Marshall
Assistant Attorney General
Civil Rights Division

July 31, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Huntsville, Alabama, School Situation

On July 30 in Huntsville I met with Mr. Beirne Spragins, president of the local bank; Harry Rhett, a local businessman and director of the bank; Will Halsey, the owner of a large grocery business; Leroy Simms, the editor of the Huntsville Times (a Newhouse paper) and Dr. Raymond Christian, the superintendent of the city schools.

The first four are collectively responsible for a realistic and sensible approach to the racial problem in Huntsville. The city has desegregated its golf courses and the lunch counters of the chain stores. They are committed to the hiring of Negro policemen. Rhett and Halsey meet as the white representatives on a bi-racial committee with two Negro leaders, although these meetings are not known in the community.

They all recognize that a start has to be made by the Huntsville schools.

They are all of the opinion that it cannot be done this September. The time is too short, and they are all of the opinion that Governor Patterson would interfere in a massive way, even to the use of the National Guard as in Little Rock.

They are all willing personally to make a commitment for a start of desegregation in the fall of 1963. I told them that we were interested more in having a start than in what specific steps were taken.

We discussed the attitude of George Wallace. I pointed to his campaign. I expressed doubt that he would permit desegregation at Huntsville on a voluntary basis, although a court order would give him a retreat, as in the cases of Vandiver in Georgia, Davis in Louisiana, and Almond in Virginia. They recognize this point. In addition, Dr. Christian was somewhat doubtful whether the school board itself could defend taking any step voluntarily.

Mr. Simms, who has been sought out by George Wallace and has been told by him that he did not really mean his campaign speeches, said that he would feel out Mr. Wallace on the question of what his attitude would be. He will not involve us at all.

It is my guess that Mr. Simms will not be able to get any kind of reassurance from Judge Wallace, other than some general statement that he will have to make a lot of noise but will give in at the end.

Accordingly, my guess is that we will have to file suit in Huntsville if any step is to be taken even in the fall of 1963. It is also my guess that we could not get a court order effective before that.

They also said that it would be easier for Huntsville if other cities went at the same time. They pointed out that the Governor would be less apt to try closing schools if schools in more than one city were involved. They suggested Mobile, Dothan and Montgomery. I think we should consider two suits in Alabama.

On the facts the Huntsville suit is a good one. Both the county school board and the city school board are involved. As to the county, there are 103 on-base children and 1934 off-base children going to the schools. Of these, 287 of the off-base children are Negro. As to the city, there are 742 on-base children and 9671 off-base children. Of these, 17 on-base children and 501 off-base children are Negro. In addition, the total amount of federal grants over the past ten years runs into several millions of dollars.

Burke Marshall
Assistant Attorney General
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AUG 22 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

Over the past few weeks we have asked the Bureau to conduct an investigation into a possible violation of 18 U.S.C. §610 by Dr. Rose Pet Food Company in California. This statute prohibits contributions by corporations in connection with any election to any political office.

It appears from the investigation that the company has made political contributions through paid advertisements in behalf of the election of right-wing candidates for various Congressional seats. The total amounts involved are in the neighborhood of $11,000. There is also a small contribution to support a broadcast on behalf of Howard Jarvis, a candidate in the primary for the Republican nomination for the Senate.

Accordingly, the investigation discloses a violation of the statute which should be presented to a grand jury for an indictment. My recommendation is that that be done.

If an indictment is returned the charge will be made that the prosecution is because of the nature of the political views held by the president of the company, who appears to be a member of the John Birch Society. Accordingly, I did not want to proceed without your approval.

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The chances of schools in Prince Edward County opening on schedule are very remote.

As to Tennessee, I have asked John Seigenthaler to find out if any problem is possible or probable in any of the five places where new desegregation will take place next month. I visited Chattanooga with John last spring. As far as I know it presents the most serious problems. I am satisfied, however, that the city government, the police force, and a group of citizens have taken and are taking sufficient measures, in the Atlanta manner, that there will be no need for federal action.

In North Carolina there will be four new districts opening up this fall. All are being done without litigation. There is no reason to expect any problem, but I will check this out through McNeil Smith, who is a responsible and knowledgeable lawyer.

All desegregation in Texas is voluntary, and there is no reason to expect any problem. The same is true of Kentucky.

I have discussed the Key West situation with the local officials there and have no reason to believe that any problem will arise.

We have also discussed the Pensacola situation with the United States Marshal in that district. There is again no reason to believe that there will be any problem which will not be dealt with by the local people. These are the only two new districts desegregating in Florida.

I have discussed with you the situation involving the University of Mississippi. We will have to take steps with regard to that situation as soon as there is an effective court order.

There will be a number of additional schools affected in New Orleans this fall. I have followed this through Judge Ellis, the counsel for the school board and the United States Attorney there. There is no reason to expect a repetition of public disorder.

A suit has been filed against Clemson in South Carolina. I am informed by Senator Ed Brown that Clemson will admit a Negro in the January term. There will not be any desegregation, however, this September.

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cc: Deputy Attorney General